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MAIL STOP PCT

Attorney Docket: 26444U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit: Unknown

FLOCKERZI, et al.

Examiner: Unknown

Serial Number: 10/524,634

International Application Number: PCT/EP2003/008967

Filing Date: February 16, 2005

International Filing Date: August 13, 2003

Title: **NOVEL PHENANTHRIDINES**

TRANSMITTAL LETTER

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form 1449 with 23 (twenty-three) cited References;
- (4) Copies of 14 (fourteen) cited References.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account Number 14-0112.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: April 28, 2005

By: 

NATH & ASSOCIATES PLLC
1030 15th Street N.W., 6th Floor
Washington, D.C. 20005-1503
(202) 775-8383

Gary M. Nath
Registration Number 26,965
Sheldon M. McGee
Registration Number 50,454
Customer Number 34375

GMN/SMM/le

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Title: **NOVEL PHENANTHRIDINES**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

[~~XXX~~] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

[] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed statement is accompanied by [check one]:

[] i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or

[] ii. a check in the amount required by 37 C.F.R. 1.17(p).

[] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.

[] Certification report(e) below; and

[] a check in the amount as required by 1.17(p).

[] d. The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.

[] e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

[] I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

[] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[] Appropriate certification is attached.

[XXX] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[XXX] g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

[] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

or

[XXX] Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: April 28, 2005

By: 

NATH & ASSOCIATES PLLC
1030 15th Street N.W., 6th Floor
Washington, D.C. 20005-1503
(202) 775-8383

Gary M. Nath
Registration Number 26,965
Sheldon M. McGee
Registration Number 50,454
Customer Number 34375

FORM PTO-1449 <u>INFORMATION DISCLOSURE CITATION</u>		Attorney Docket: 26444U Inventor: FLOCKERZI, et al.	Serial Number: 10/524,634 Filing Date: February 16, 2005 Group Art Unit: Unknown
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U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	A1	2004-0038979 A1 (corresponds to WO 02/06270 A1)	26 Feb. 2004	Schmidt			07 Jul. 2001
	A2	2004-0097537 A1 (corresponds to WO 02/066476 A1)	20 May 2004	Flockerzi			21 Feb. 2002
	A3	6,534,518 B1 (corresponds to WO 00/42018 A1)	18 Mar. 2003	Gutterer			12 Jan. 2000
	A4	6,479,505 B1 (corresponds to WO 00/42019 A1)	12 Nov. 2002	Gutterer			12 Jan. 2000
	A5	6,476,025 B1 (corresponds to WO 00/42020 A1)	05 Nov. 2002	Gutterer			12 Jan. 2000
	A6	6,191,138 B1 (corresponds to WO 97/028131 A1)	20 Feb. 2001	Gutterer			30 Jan. 1997
	A7	6,127,378 A (corresponds to WO 97/035854 A1)	03 Oct. 2000	Gutterer			24 Mar. 1997
	A8	6,121,279 A (corresponds to WO 99/05113 A1)	19 Sep. 2000	Gutterer			18 Jul. 1998
	A9	6,410,551 B1 (corresponds to WO 99/05111 A1)	25 Jun. 2002	Gutterer			18 Jul. 1998

FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Sub-Class	Translation
	A10	02/06238 A1	24 Jan. 2002	WO			N/A
	A11	02/05616 A1	24 Jan. 2002	WO			N/A
	A12	0 490 823 B1	13 Nov. 1996	EP			N/A
	A13	1 270 577 A1	02 Jan. 2003	EP			N/A
	A14	02/06270 A1	24 Jan. 2002	WO			N/A
	A15	02/066476 A1	29 Aug. 2002	WO			N/A
	A16	00/42018 A1	20 Jul. 2000	WO			N/A
	A17	00/42019 A1	20 Jul. 2000	WO			N/A
	A18	00/42020 A1	20 Jul. 2000	WO			N/A
	A19	97/28131 A1	07 Aug. 1997	WO			Abstract
	A20	97/35854 A1	02 Oct. 1997	WO			Abstract
	A21	99/05113 A1	04 Feb. 1999	WO			N/A
	A22	99/05111 A1	04 Feb. 1999	WO			N/A
	A23	2004/018465 A2	04 Mar. 2004	WO			N/A

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)		
	A24	
	A25	
	A26	

Examiner	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.